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*Attorneys for Plaintiff,
SPIGEN KOREA CO., LTD.*

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

SPIGEN KOREA CO., LTD., a Republic
of Korea corporation,

Plaintiff,

v.

ISPEAK CO., LTD., a Republic of Korea
corporation; VERUS U.S.A., LLC, a
California limited liability company;
DOES 1 through 10, inclusive,

Defendants.

VERUS U.S.A., LLC, a California
limited liability company,

Counterclaimant,

v.

SPIGEN KOREA CO., LTD., a Republic
of Korea corporation,

Counter-Defendant.

Case No.: 8:15-cv-01050 DOC (DFMx)
Assigned to Hon. David O. Carter

**PLAINTIFF AND COUNTER-
DEFENDANT SPIGEN KOREA CO.,
LTD.'S ANSWER TO VERUS U.S.A.,
LLC'S AMENDED
COUNTERCLAIMS**

JURY TRIAL DEMANDED

COUNT ONE

(Declaratory Judgment of Non-Infringement of the '283 Patent)

6. Spigen admits that Counterclaimant Verus restates and incorporates by reference each of the allegations in Paragraph 1 through 5 of the Amended Counterclaims as though fully set forth herein. Spigen repeats and re-alleges all of the responses in Paragraphs 1 through 5 above, as if set forth fully herein.

7. Spigen admits that an actual case and controversy exists as to whether Counterclaimant Verus infringed the '283 Patent. Except as expressly admitted, Spigen denies the remaining allegations in Paragraph 7 of the Amended Counterclaims.

8. This paragraph states legal conclusions to which no responses are required. To the extent a response is appropriate, Spigen admits that Counterclaimant Verus seeks a judicial declaration from the Court finding non-infringement of the '283 patent. Except as expressly admitted, Spigen denies the remaining allegations in Paragraph 8 of the Amended Counterclaims.

COUNT TWO

(Declaratory judgment of Invalidity of the '283 Patent)

9. Spigen admits that Counterclaimant Verus restates and incorporates by reference each of the allegations in Paragraph 1 through 8 of the Amended Counterclaims as though fully set forth herein. Spigen repeats and re-alleges all of the responses in Paragraphs 1 through 8 above, as if set forth fully herein.

1 the remaining allegations in Paragraph 14 of the Amended Counterclaims.

2 15. Spigen denies the allegations in Paragraph 15 of the Amended
3 Counterclaims.
4

5 16. Spigen denies the allegations in Paragraph 16 of the Amended
6 Counterclaims.
7

8 17. Spigen denies the allegations in Paragraph 17 of the Amended
9 Counterclaims.

10 Spigen denies that Counterclaimant Verus is entitled to any relief sought by
11 Counterclaimant Verus in its Prayer for Relief.
12

13 **AFFIRMATIVE DEFENSES**

14 **FIRST AFFIRMATIVE DEFENSE:**

15 **(Failure to State a Claim)**

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17 1. The Amended Counterclaim fails to state a claim upon which relief may
18 be granted.
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20 **SECOND AFFIRMATIVE DEFENSE:**

21 **(Validity and Enforceability of Spigen's '283 Patent)**

22 2. The claims in Spigen's '283 Patent are valid and enforceable.
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24 **THIRD AFFIRMATIVE DEFENSE:**

25 **(Verus's Infringement of '283 Patent)**

26 3. Counterclaimant Verus has infringed and continues to infringe one or
27 more claims of the '283 Patent.
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FOURTH AFFIRMATIVE DEFENSE:

(Judgment as a Matter of Law)

4. Spigen is entitled to a judgment as a matter of law on the Amended Counterclaim.

FIFTH AFFIRMATIVE DEFENSE:

(Redundant of the Complaint)

5. Counterclaims are mirror images of claims asserted in the Complaint and are redundant of Counterclaimant's affirmative defenses to the Complaint.

SIXTH AFFIRMATIVE DEFENSE:

(Other Affirmative Defenses)

6. Spigen adopts and incorporates herein all affirmative defenses available pursuant to the Federal Rules of Civil Procedure 8 (or any applicable statute or regulation), to the extent the facts known at this time would make any of the said defenses available or facts developed in the future would make the same available. No affirmative defense is waived.

PRAYER FOR RELIEF

WHEREFORE, in consideration of the foregoing, Counter-Defendant Spigen requests judgment be entered in its favor and against Counterclaimant Verus as follows:

1. That declaratory judgment be entered in Spigen's favor and against Verus;

1 2. That declaratory judgment be entered, finding the '283 patent is valid
2 and enforceable;

3
4 3. That declaratory judgment be entered, finding Verus infringed and/or
5 infringes the '283 patent;

6 4. That the counterclaims, and each and every purported claim for relief
7 therein, be dismissed with prejudice;

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9 5. That Spigen be awarded its costs of suit incurred herein, including its
10 attorney's fees and expenses; and

11
12 6. For such other and further relief as the Court deems just and proper.
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14 Dated: October 28, 2015

Respectfully submitted,
East West Law Group

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17 By: /s/ Heedong Chae
18 HeeDong Chae
19 Chong Roh
20 Attorneys for Plaintiff
SPIGEN KOREA CO., LTD.
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JURY DEMAND

Counter-defendant Spigen hereby demands a trial by jury on all issues so triable.

Dated: October 28, 2015

Respectfully submitted,
East West Law Group

By: /s/ Heedong Chae
Heedong Chae
Chong Roh
Attorneys for Plaintiff
SPIGEN KOREA CO., LTD.